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THOMAS J. VILSACK
GOVERNOR
SALLY J. PEDERSON
LT. GOVERNOR

IOWA UTILITIES BOARD
IOWA DEPARTMENT OF COMMERCE

November 8, 1999

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Magalie Roman Salas, Secretary
Federal Communications Commission
Portals II
Suite TW-A325
445 12th Street, S.W.
Washington, D.C. 20554

FCC MAIL ROOM

Re: Petition of the Iowa Utilities Board for Delegation of Additional Authority

Dear Ms. Salas:

Enclosed please find one original and eleven copies of the Iowa Utilities Board Petition for Additional Authority to Implement Area Code Conservation Methods in Iowa and Request for Limited Waiver of 10-Digit Dialing Requirements.

Sincerely,

William H. Smith, Jr.
Federal and Legislative Programs Coordinator

Enc.

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

IOWA UTILITIES BOARD)
PETITION FOR DELEGATION OF)
ADDITIONAL AUTHORITY AND)
REQUEST FOR LIMITED WAIVER)

CC Docket No. 96-98
NSD File No.

PETITION FOR DELEGATION OF ADDITIONAL AUTHORITY AND
REQUEST FOR LIMITED WAIVER OF TEN-DIGIT DIALING REQUIREMENTS

The Iowa Utilities Board (IUB) requests that the Federal Communications Commission (Commission) waive certain provisions of 47 C.F.R. Section 52.19(c)(3) and grant the IUB additional authority to implement various area code conservation measures in Iowa. The IUB requests this additional authority as part of its investigations into relief for area code 515 (IUB Docket No. SPU-99-22) and area code 319. This waiver is intended to be used to minimize consumer confusion and expense associated with introducing new area codes in Iowa.

I. BACKGROUND

The IUB has been investigating telephone numbering issues and area code relief. In particular, investigation began immediately upon the notification from US West, the Iowa BOC, on April 9, 1998 that exhaust was predicted for the 515 area code in Central Iowa some time in 2002. The North American Numbering Plan Administrator (NANPA) followed on January 6, 1999, informing the IUB that the State of Iowa was potentially facing exhaust of the 515 area code. That exhaust is now estimated in the

second quarter of 2001. Later, similar communications were made with respect to the 319 area code in eastern Iowa, with exhaust estimated in the third quarter of 2002. The potential exhaust of the 515 and 319 area codes is attributed to increased demand for additional lines and the growth in local competition forcing the opening of new NXXs in many rate centers. The IUB seeks to manage, on a generic basis, the assignment of telephone numbers in Iowa to delay the necessity of implementation of new area codes by physical splits of the existing area codes and/or by area code overlays.

The IUB is considering forming a telecommunications industry task force to oversee the state's telephone number resources and be responsible for the establishment of the terms and conditions under which NXX codes and telephone numbers would be distributed amongst various service providers. The IUB needs the requested waiver of authority to begin such a process before a jeopardy situation is declared in Iowa.

II. FEDERAL AREA CODE CONSERVATION REQUIREMENTS

On September 28, 1998, the Commission issued its Memorandum Opinion and Order, In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 312, 610, 215 and 717; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, FCC 98-224, NSD File No. L-97-42 (Federal Numbering Decision). In the Federal Numbering Decision, the Commission concluded: 1) state commissions normally have the authority to order NXX

code rationing only in conjunction with area code relief decisions where industry has not reached a consensus on a rationing plan; 2) the Common Carrier Bureau may delegate additional authority to state commissions to implement experimental number conservation efforts; 3) the Pennsylvania Commission exceeded its jurisdiction in its July 15, 1997 Order; 4) Pennsylvania's order disfavored wireless carriers because those carriers could not participate in required number conservation measures (number pooling); and 5) The North American Numbering Council (NANC) must advise the Commission in 60 days whether the state commissions or Lockheed Martin should decide whether a carrier subject to an NXX code rationing plan should receive NXXs outside of the rationing plan. Federal Numbering Decision ¶ 54.

In addition, on June 2, 1999, the FCC issued a Notice of Proposed Rulemaking in FCC 99-122, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200; Connecticut Department of Public Utility Control Petition for Rulemaking to Amend the Commission's Rule Prohibiting Technology-Specific or Service-Specific Area Code Overlays, RM No. 9528; Massachusetts Board of Telecommunications and Energy Petition for Waiver to Implement a Technology-Specific Overlay in the 508, 617, 781, and 978 Area Codes, NSD File No. L-99-17; and California Public Utilities Commission and the People of the State of California Petition for Waiver to Implement a Technology-Specific or Service-Specific Area Code, NSD File No. L-99-36 (Numbering Resource Optimization Order). In the Numbering Resource Optimization Order, the Commission stated its intention to increase the efficiency with which telecommunications carriers use telephone numbering resources. Specifically, the Commission seeks to slow the rate of

number exhaust in the country and to prolong the life of the North American Numbering Plan. Numbering Resource Optimization Order ¶1.

Most recently, the Commission has affirmed its approach to numbering issues in its Third Order On Reconsideration Of Second Report And Order And Memorandum Opinion And Order in Docket CC-96-98 (Third Order), issued October 21, 1999. Most pertinent to this petition, the Third Order reasserts the Commission's requirement of 10-digit dialing within and between all area codes in the geographic area covered by an overlay area code.

III. DISCUSSION

The Numbering Resource Optimization Order indicates the Commission's intent to address telephone number exhaust in the future. The IUB supports the Commission's efforts to provide nationwide numbering direction. Pending the realization of relief from that effort, however, the IUB seeks authority at this time to implement various conservation measures in the immediate future. Based on the information currently available, the IUB believes that the measures it could take under this authority may not be sufficient to delay the imminent introduction of new codes. The IUB's intent is to delay and minimize the future impacts on Iowa telephone customers of the introduction of new area codes. The IUB also believes this authority will allow the new area codes, and NXX codes within them, to be issued to carriers in a more efficient manner than current procedures permit. Thus the IUB hopes to delay the need for further area code relief in Iowa. As a result of the Commission's decisions, the

IUB has limited ability without a waiver to conserve NXX codes and extend the lives of the new NPAs soon to be introduced in Iowa.

The IUB respectfully requests that the Commission grant it the authority to implement thousand block number pooling, reclaim unused and reserved exchange codes, and monitor the use of numbering resources. These three types of authority have been granted to other state commissions.

The IUB also requests a limited waiver of the 10-digit dialing requirement of 47 C.F.R. § 52.19(c)(3)(ii), to be used if the IUB decides to introduce new area codes through the use of an area code overlay. The requested waiver has not previously been addressed by the Commission. The IUB believes the requested waiver is consistent with the Commission's principles of neutrality among technologies, services, and competitive providers. The requested waiver is intended to avoid unnecessary costs, minimize inconvenience, and reduce public resistance, and thereby enlarge the IUB's range of options

A. THOUSAND BLOCK NUMBER POOLING

The IUB requests that the Commission grant it the authority to institute mandatory thousand number block pooling. The IUB is aware that Illinois and some other states have been authorized to conduct nondiscriminatory mandatory number pooling trials. In the opinion of the IUB, mandatory pooling would be more effective than the voluntary trials permitted by the Federal Numbering Decision because during voluntary trials, not all carriers fully participate. A mandatory-pooling requirement imposed on all LNP-capable carriers would increase the viability of the number pool as

it produces more meaningful number conservation. Mandatory pooling is also an efficient means for allocating numbering resources when a carrier wishes to establish a presence in a specific geographic area. Number pooling may be a valuable mechanism to remedy the wasteful allocation and inefficient use of numbering resources, especially as competitive providers enter small Iowa exchanges where a single NXX will be adequate to serve both the ILEC and a number of CLECs. Mandatory pooling will provide the flexibility needed to better manage existing numbering resources, and assist in decreasing the frequency with which area codes are required. Therefore, the IUB requests additional authority to implement its own mandatory thousand number block pooling requirements.

B. RECLAIM UNUSED AND RESERVED EXCHANGE CODES

The IUB also requests authority to require the reclamation to the area code administrator of unused exchange codes or thousand number blocks from carriers with excess number resources. The ability to reclaim unused codes would extend the lives of current NPAs by returning codes to the code administrator for use by other carriers. Clearly, Iowa consumers will benefit from a more efficient distribution of NXX codes, which may delay the cost and confusion of introducing new NPAs.

C. MONITORING THE USE OF NUMBERING

The IUB seeks the authority to monitor number assignment and utilization requirements. Effective monitoring is necessary to ensure compliance with current industry guidelines and to determine that only those qualified applicants with bona fide

needs for additional numbering resources receive them. Monitoring is also necessary to ensure that numbering resources are being used in an efficient and effective manner.

D. IMPLEMENTATION OF 10-DIGIT DIALING

The primary advantage of an area code split, compared with an overlay, is the ability to maintain local 7-digit dialing. When an overlay is implemented, 10-digit dialing becomes mandatory pursuant to the Commission's rules at 47 C.F.R. § 52.19(c)(3)(ii). "This ten-digit dialing is required not only between the original NPA and the Overlay NPA, but also within each NPA, to prevent anticompetitive impacts on new entrants that may have few or no numbers in the original NPA." (*See Local Competition Second Report and Order*, 112 FCC Rcd at 19518). Consumers often object to the 10-digit dialing requirement as being inconvenient and difficult for many customers. Businesses using automatic dialers (such as security system companies) object to having to re-program and, in some cases, replace existing equipment to accommodate 10-digit dialing.

The reality is that the 10-digit dialing is only required by the switching function when a call is directed to an office code that is used in multiple areas codes assigned to the same geographical area. If a central office code is not duplicated within an overlay area, then there is no switching need for 10-digit dialing for calls placed to that central office code. Local switches have long passed the limitations imposed by an electromechanical switching architecture. Digital and Photonic switches can be programmed to recognize more than one area code as local calls to the calling party.

Extended area local service between area code "border" towns have in many cases retained local calling capabilities using this type of switch utilization for many years.

The IUB seeks waiver of the Commission's requirement that 10-digit dialing be implemented everywhere in an NPA when an overlay is implemented. Instead, if the IUB chooses overlay relief in the 515 or 319 area codes, it proposes to implement 10-digit dialing in a manner similar to a concentrated overlay. See, *NPA Code Relief Planning & Notification Guidelines*, INC97-0404-016, published by Alliance for Telecommunications Industry Solutions, August 30, 1999, at paragraph 6.3. In the concentrated overlay area, 10-digit dialing is required for call completion. In the surrounding area where existing NXX codes remain unique, 7-digit dialing may continue until all NXX codes of the original area code are used, preserving 7-digit dialing for an additional time for many customers. However, a concentrated overlay must have defined borders on the day the relief plan is executed, and some exchanges within these defined borders may be forced to 10-digit dialing even though there is no competitive offering in that exchange and there are plenty of telephone numbers remaining.

This waiver request reflects unique local circumstances. Iowa has more than 800 local exchanges and 156 ILECs. The 515 area code has more than 300 rate centers, most with fewer than 1000 customers. Competition, growth, and the demand for additional NXX assignments, are concentrated in three areas: Des Moines, Ames, and Fairfield. None of these areas is a top-100 metropolitan statistical area. The proximity of the Des Moines and Ames calling areas and the overlapping extended local

calling areas for many local exchanges complicate the possible splits of 515. The pattern in area code 319 is similar. The IUB recognizes the likelihood that some geographical areas in Iowa will not see facilities-based competitive local service providers for some time.

The IUB believes the requested waiver is consistent with the competitive principles the Commission has established. Under the requested waiver, 7-digit dialing would continue to be permitted for local calling until one or more of the NXX codes for a particular calling area is duplicated in the overlay area code. Until an existing central office code is duplicated in the overlay area code, 7-digit dialing for local calls would continue to be permissible if the switch is technologically capable of this function. Ten-digit dialing in this type of arrangement would become mandatory (a) when a switch cannot identify an area code/NNX as a local call within the switching center or (b) when long distance dialing is initiated to a non-unique central office NNX. If a customer dials a 7-digit number with an NXX that is used in both area codes, the call would be routed to a prerecorded announcement stating that 10-digit dialing is required.

This proposed phase-in of 10-digit dialing is consistent with the intent of the Commission's rules. It is competitively neutral to new entrants, incumbents, particular types of service providers, services, or technologies. No advantage would be gained by those holding NNXs in the old area code. No carrier would be able to use the availability of 7-digit dialing for competitive advantage. Allowing this phase-in of mandatory 10-digit dialing on the office code level is not only reasonable but also beneficial to all types of consumers.

Gradual implementation based on need is a preferred technique, if an overlay is selected. It would avoid unnecessary costs to customers and carriers. For the many small carriers that would be affected, such costs could burden the universal service fund obligation.

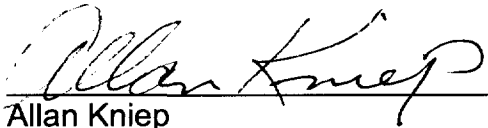
IV. CONCLUSION

The IUB believes that the conservation measures it seeks to implement in Iowa will not significantly slow the introduction of new area codes for the 515 and 319 NPAs. Prompt action could delay the need for relief of the 712 NPA in western Iowa. More urgently, the waiver of the 10-digit dialing requirement would give the IUB the tools necessary to delay the assignment of numbers in an overlay area code (if the IUB decides on that alternative) and thereby mitigate the impact of new area code introduction on residents and businesses in the 515 and 319 areas.

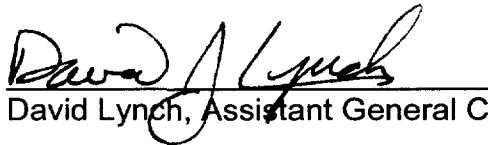
The granting of authority to the Iowa Utilities Board to implement thousand block number pooling, reclamation of unused and reserved exchange codes, monitoring the use of numbering resources, and gradual implementation of 10-digit dialing should conserve telephone numbers in the new area codes (under any relief plan) and minimize the adverse consumer impact in the longer term.

With the exception of the request for waiver on implementation of 10-digit dialing, the additional authority requested is similar and consistent with the authority granted to the Maine Public Utilities Commission in CC Docket No. 96-98, NSD File No. L-99-27, order released September 28, 1999. The IUB asks for similar treatment for the reasons stated herein.

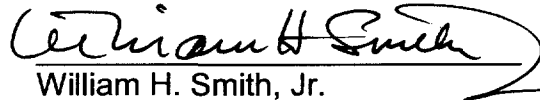
Respectfully submitted,



Allan Kniep
General Counsel



David Lynch, Assistant General Counsel



William H. Smith, Jr.
Federal and Legislative Programs Coordinator

November 8, 1999

Utility Specialist:
Aaron D. Beckerman
515-281-6188

Iowa Utilities Board
350 Maple Street
Des Moines, Iowa 50319
515-281-3448
515-242-5081 (fax)
iub@max.state.ia.us